



PATENT
ATTORNEY DOCKET NO. 046124-5250

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Toru HIROHATA et al.)	Confirmation No.: 6105
)	
Application No.: 10/705,901)	Group Art Unit: 2815
)	
Filed: November 13, 2003)	Examiner: Joseph H. Nguyen
)	
For: PHOTOCATHODE)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window,
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TO ELECTION/RESTRICTION
REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to a Election/Restriction Requirement under 37 U.S.C. § 121 in response to the Office Action dated November 1, 2004.
2. Additional papers enclosed:
 - ☐ Corrected Drawings: ☐ Formal ☐ Informal
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$ 215.00
<input type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$ 1,530.00	\$ 765.00

Extension of time fee due with this request: \$-0-

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	1	minus	20	0	x \$18 each=	+ \$ -0-
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$88 each=	+ \$ -0-
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ -0-

6. Fee Payment

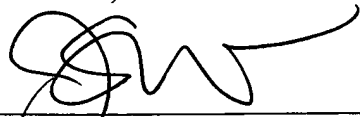
- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \$-0- to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 1, 2004

By:


John G. Smith
Reg. No. 33,818

CUSTOMER NO. 09629
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Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In response to the election of species set forth in the Office Action mailed November 1, 2004, the Examiner required election under 35 U.S.C. § 121 between Species I (claim 1), Species II (claim 2), Species III (claim 3), Species IV (claim 4), Species V (claim 5), Species VI (claim 6), Species VII (claim 7) and Species VIII (claim 8). Applicant hereby elects the species defined by the Examiner as Species I (claim 1) for prosecution on the merits.

Applicant respectfully requests formal examination of this application.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

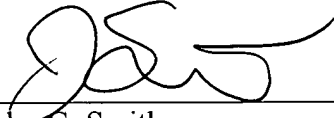
37 C.F.R. § 136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS, LLP

Dated: December 1, 2004

By: _____


John G. Smith

Reg. No. 33,818

CUSTOMER NO. 009629

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